

REMARKS

Claims 1, 3-6, 8-9, 11-12, and 15-18 are in this application and are presented for reconsideration. By this Amendment, Applicant has amended claims 1, 3-4, 6, 8-9, 12, and 15-18, and canceled claims 19-22 to improve the clarity and style of this application and to highlight the important combination of features which defines over the prior art of record. Applicant has canceled other claims in previous amendments.

Specifically, claims 1 and 6 have been amended to include combination of features which better defines the present invention. Other claims have been amended to replace the phrase "strand to be bound" with a more suitable expression, --bounded strand--.

By this Amendment, the Applicant has amended several claims to overcome the Examiner's rejections and respectfully makes assertions for overcoming the rejections of the outstanding Office Action dated May 17, 2005 in the following paragraphs.

Specification

The Patent Office has objected to a previously submitted IDS and reiterated that a previously submitted form PTO-1449 had not been received.

In response, Applicant submits herewith a copy of the previously filed IDS with a corresponding form PTO-1449. Consideration of the references is requested.

Claim Rejections - 35 USC§102

Claims 1, 3-6, 11, 12 and 14-21 have been rejected under 35 U.S.C. §102(b) as being

anticipated by the U.S. Pat. No. US 5,123,316 to Niedermaier et al. (the "Niedermaier et al. '316" reference, hereinafter).

Specifically, with respect to claims 1, 3, 4, 6, 11, 12 and 14-21, the Office takes the position that the Niedermaier et al. '316 reference discloses a process and a device for determining cutting positions of web strands which includes the steps of bringing together the web strands into a strand to be bound, recording each individual web strand 9.1-9.8 by the web strand sensors 64.1-64.8 and recording a common measured value for cutting the position of the strips or the web strands 16 and 17 by the reading heads or sensors 59, 60 which sense the cutting register marks and compare to a nominal value or a common value via a control device 62 before the web strands are brought together to a cutting device 19 (Fig. 1) and directs Applicant to note Niedermaier et al., claim 1, col.4 lines 35-48. and col.6 lines 5-14. With respect to claim 4, the Office takes the position that the Niedermaier et al. '316 reference discloses the use of synchronous control 63 and 66 (Niedermaier et al., Fig. 1) that are electronically connected to the strip-cutting device 19 and a register control device 65 for control the cutting position of the web strands. With respect to claims 5 and 13, the Office takes the position that the values for cutting positions which are set manually at the time of start-up the press and the use of a common control device and individual control devices which send adjust signals to the common control device while not specifically stated in the Niedermaier et al. '316 reference are necessary to provide an operative press.

The Office also states that it had fully considered Applicants' arguments filed on March 1, 2003 but they are not persuasive of any error in the previous rejections. Specifically, the

Office disagreed with the Applicants position that the Niedermaier et al. '316 reference fails to teach or suggest the steps and structure for determining the cutting position of a plurality of web strands as recited, specifically, that Niedermaier et al. does not teach the step for forming an adjusting signal for the strand to be bound in a common control device and the individual control device which forms individual adjusting signals for the web strands as recited in claims 1, 6 and 14.

The Office takes the position that the Niedermaier et al. '316 reference teaches the method and a device for determining cutting positions of web strands including the step of recording each individual web strand, recording a common measured value for cutting the position of the strips, and Niedermaier et al. teaches the steps of forming an adjusting signal and using the adjusting signals for the strand to be bound, since the adjusting device 62 of Niedermaier et al. controls the motors 53 of the strand or strip-cutting device 18 in accordance with the strand cutting register deviation which receives signal from the reading heads or sensors 59, 60 which in turn synchronizes with the strand cutting device 19 via the synchronous controllers 63 and the register control device. Thus, the Office postulates, the steps of forming and using the adjusting signals via the common control device and individual control devices is inherent in Niedermaier et al. so that the device can be operated.

However, it is Applicant's position that the prior art as a whole including the Niedermaier et al. '316 reference neither teaches nor suggests the present invention as amended. Specifically, claim 1 has been amended to highlight the combination of features e) and f) which now define over the prior art of record. Claim 6 has been amended to highlight

the combination of features c) and d) which also define over the prior art of record as well. The amended features are disclosed on page 17, paragraph 2 to page 18, paragraph 2 and page 11, paragraph 3 to page 12, paragraph 1 of the description and do not add any new matter to the present Application.

In terms of claim 1, the Office postulates that claim 1 is anticipated by the Niedermaier et al. '316 reference. This postulation is based on an argument that the control device 62 (Fig. 1) forms an individual adjusting signal for the web strands 16, 17, using individual strand measured values measured by sensors 59, 60, and a common measured value recorded by an impulse sender 63.

However, claim 1 is not anticipated because the Niedermaier et al. '316 reference does not disclose forming a common adjusting signal for the strand to be bound in the common control device by comparing the common measured value with a set point, wherein for each web strand, an individual adjusting signal is formed, and wherein the common adjusting signal and the respective individual strand measured value are used to form the respective individual adjusting signal.

Assuming the signal generated by the impulse sender 63 is the common measured value, the Niedermaier et al. '316 reference does not disclose that the common measured value is compared with a set point, as set forth in feature e) of claim 1. Furthermore, it is not disclosed that the common adjusting signal formed in accordance with feature e) is used to form the individual adjusting signal. The Niedermaier et al. '316 reference only discloses that the impulse sender co-operates with the strip-cutting register controlling and adjusting device

62 in order to synchronize it (column 6, lines 1 to 5 of the Niedermaier et al. '316 reference).

For a person skilled in the art, the Niedermaier et al. '316 reference discloses that the signal generated by the impulse sender 63 is a set point rather than a measured value. In order to form an adjusting signal for the strip-cutting register device 18, the values measured by the sensors 59, 60 are compared with the signal generated by the impulse sender 63 (set point). There is no suggestion for a person skilled in the art to deviate from the teaching of the Niedermaier et al. '316 reference to compare the common measured value with a set point, to form a common adjusting signal.

Claims 3-5, and 15 depend on claim 1 and include this combination of feature which define the present invention over the prior art of record. Thus, it is Applicant's position that claims 3-5 and 15 are also not anticipated nor made obvious by the Niedermaier et al. '316 reference.

Regarding claim 6, the apparatus disclosed by the Niedermaier et al. '316 reference does not comprise a common control device having a set point transducer wherein the common control device forms a common adjusting signal by comparing a set point from the transducer and the common strand measured value. Assuming the impulse sender is the common control device, the common control device does not comprise a set point transducer. In particular, the impulse sender cannot compare a set point with the common strand measured value.

Assuming the control device 62 is the common control device, the impulse sender is the set point transducer and the common adjusting signal is the signal sent to the strip-cutting register device 18. The control device 62 does not compare the set point from the set point

transducer and the common strand measured value.

Therefore, claim 6 is not anticipated nor suggested by the Niedermaier et al. '316 reference. Similar to above, claims 11, 12, and 16-18 depend on claim 6 and include combination of features which define over the prior art of the Niedermaier et al. '316 reference. Thus claims 1 and 6 are novel and not disclosed for a person skilled in the art.

Claim Rejections - 35 USC § 103

Claims 8 and 9 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the Niedermaier et al. '316 reference in view of the US 5,016,182 to Bergland et al. (the "Bergland '182" reference, hereinafter). The Office admits that the Niedermaier et al. '316 reference fails to disclose an optical scanner, which detects optical print marks and relies on the Bergland et al. '182 reference to disclose this feature.


Claims 8 and 9 depend on the independent claim 6 and include all of the combination of features of claim 6 which make the present invention not anticipated by the Niedermaier et al. '316 reference as discussed above. Thus, it is Applicant's position that claims 8 and 9 are also not anticipated nor made obvious by the Niedermaier et al. '316 reference in combination with the Bergland et al. '182 reference.

As the prior art fails to suggest the combination of features as claimed, Applicant respectfully requests that the Examiner favorably consider the claims as now presented in view of the amended claims and in view of the discussion above. Applicant respectfully solicits allowance of this application.

It is applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not been resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

Favorable action is requested.

Respectfully submitted
For Applicant,

By: 
D. W. Darren Kang
Reg. No. 51,859

JJM/DWK:
67736RCE2.1

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 09/630,625 (19 PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER 571 273 8300 ON THE DATE SHOWN BELOW.

D. W. Darren Kang
NAME OF PERSON SIGNING CERTIFICATION


SIGNATURE

DATED: November 17, 2005
McGLEW AND TUTTLE, P.C.
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
TELEPHONE: (914) 941-5600
FACSIMILE: (914) 941-5855

PETITION UNDER 37 CFR 1.136(a)


Sir:

The Office Action dated May 17, 2005 provided for a shortened statutory period for response of three months.

The shortened statutory period expired August 17, 2005.

Since the attached response is being filed within the six (6) months pursuant to 37 CFR 1.136(a) Applicant respectfully requests the Examiner to charge the appropriate petition fee of \$1020 (fee code 1253) from the representative's account.

Respectfully submitted
for Applicant(s),

By: 
D. W. Darren Kang
Reg. No.: 51,859
For: MCGLEW AND TUTTLE, P.C.

11/18/2005 NNGUYEN1 00000069 130410 09630625

02 FC:1253 1020.00 DA